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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/452,952	12/02/1999	PAUL J. FREDERICK	A-21599		
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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			WONG, ALLEN C		
			ART UNIT	PAPER NUMBER	
	,		2613	24	
			DATE MAILED: 04/22/2004	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

	,	Application No.	Applicant(s)		
	,	09/452,952	FREDERICK, PAUL J.		
	Office Action Summary	Examiner	Art Unit		
		Allen Wong	2613		
Period f	The MAILING DATE of this communication for Reply	n appears on the cover sheet wi	ith the correspondence address		
A SH THE - Extrafte - If th - If N - Fail Any	HORTENED STATUTORY PERIOD FOR REMAILING DATE OF THIS COMMUNICATION Consists of time may be available under the provisions of 37 CF or SIX (6) MONTHS from the mailing date of this communication has period for reply specified above is less than thirty (30) days, to period for reply is specified above, the maximum statutory plure to reply within the set or extended period for reply will, by some yreply received by the Office later than three months after the remained patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a r n. a reply within the statutory minimum of thir eriod will apply and will expire SIX (6) MON statute, cause the application to become AE	reply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).		
Status					
1)[Responsive to communication(s) filed on 6	06 February 2004			
2a)⊠					
3)	· · · · · · · · · · · · · · · · · · ·		ers, prosecution as to the merits is		
_,	closed in accordance with the practice und		•		
Disposi	tion of Claims				
5)□ 6)⊠ 7)□	Claim(s) 1-14 is/are pending in the applica 4a) Of the above claim(s) is/are with Claim(s) is/are allowed. Claim(s) 1-14 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction are	ndrawn from consideration.			
Applicat	tion Papers				
9)[The specification is objected to by the Exar	miner.	•		
10)	The drawing(s) filed on is/are: a)	accepted or b) objected to	by the Examiner.		
	Applicant may not request that any objection to	the drawing(s) be held in abeyan	nce. See 37 CFR 1.85(a).		
_	Replacement drawing sheet(s) including the co				
11)[_]	The oath or declaration is objected to by the	e Examiner. Note the attached	d Office Action or form PTO-152.		
Priority	under 35 U.S.C. § 119				
a)	Acknowledgment is made of a claim for force All b Some * c None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the application from the International Bu	nents have been received. nents have been received in A priority documents have been ireau (PCT Rule 17.2(a)).	pplication No received in this National Stage		
* ;	See the attached detailed Office action for a	list of the certified copies not	received.		
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/6/04 have been fully read and considered but they are not persuasive.

Regarding line 2 on page 6 of applicant's remarks, applicant states that

Matthews fails to teach providing each of the participants with a video camera.

In response to applicant's belief, the applicant should reread the previous rejection in paper no.24 and take the teachings of the combination of Matthews and Papyrus

Design Group of the NASCAR video game manual as a whole not in separate parts.

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In Matthews fig.2, there are cameras 42-48 that capture images from seven different locations on a baseball field, a sporting event, like camera 42 captures images from the center field position and camera 48 captures images from third base, etc. So, Matthews teaches that cameras can be focused on a sporting event participant at different locations. Although Matthews may not appear to disclose the teaching of seeing perspectives of all participants at all angles, Matthews suggests that the event can be seen in numerous views from all participants. Also, the system disclosed by the applicant is reminiscent from the real NASCAR scene, NASCAR 95 (ie. video game).

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and helmet cameras installed on race cars, Arena Football League players dating back to 1990. Therefore, it would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene.

Although Matthews does not specifically disclose the limitation of seeing perspectives of all participants at all angles for a NASCAR or racing event, however, the NASCAR video game manual by Papyrus Design Group teaches, on page 23 in the paragraph subheading "Arcade Driving", that the stock car driver can switch viewing modes or viewing angles by pressing a button F10 to alternate from the "cockpit view" to the "Arcade Telephoto view", then to the "Arcade Wide view", and finally back to the "cockpit view". Furthermore, the NASCAR video game manual by Papyrus Design Group discloses, on page 23 in the paragraph subheading "The Instant Replay", that each race car can have onboard cameras equipped along with other television cameras outside the car, and also replays can be seen from any car upon demand so that when there are 40 cars on the track, then one can have over three-hundred replay angles to choose from for viewing. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Matthews and the NASCAR video game manual by Papyrus Design Group for permitting the display of multiple angles and views into the broadcasting of the live NASCAR racing event so as to provide the viewer with as many exciting, thrilling, jaw-dropping, mindblowing, incredible, realistic views of the NASCAR racing event to experience.

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Doing so would totally pique the viewer's attention and give the NASCAR ambience and feel to the viewer's home.

Regarding line 22 on page 6 of applicant's remarks, applicant argues that

Papyrus does not teach providing each of the participants with a video camera. The

examiner respectfully disagrees. In response to applicant's belief, the applicant should

reread the previous rejection in paper no.24 and take the teachings of the combination

of Matthews and Papyrus Design Group of the NASCAR video game manual as a

whole not in separate parts. Thus, the combination of Matthews and Papyrus should be

understood and taken as a whole. The test for obviousness is not whether the features

of a secondary reference may be bodily incorporated into the structure of the primary

reference; nor is it that the claimed invention must be expressly suggested in any one or

all of the references. Rather, the test is what the combined teachings of the references

would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d

413, 208 USPQ 871 (CCPA 1981).

In Matthews fig. 2, there are cameras 42-48 that capture images from seven different locations on a baseball field, a sporting event, like camera 42 captures images from the center field position and camera 48 captures images from third base, etc. So, Matthews teaches that cameras can be focused on a sporting event participant at different locations. Although Matthews may not appear to disclose the teaching of seeing perspectives of all participants at all angles, Matthews suggests that the event can be seen in numerous views from all participants. Also, the system disclosed by the applicant is reminiscent from the real NASCAR scene, NASCAR 95 (ie. video game),

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and helmet cameras installed on race cars, Arena Football League players dating back to 1990. Therefore, it would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene.

Although Matthews does not specifically disclose the limitation of seeing perspectives of all participants at all angles for a NASCAR or racing event, however, the NASCAR video game manual by Papyrus Design Group teaches, on page 23 in the paragraph subheading "Arcade Driving", that the stock car driver can switch viewing modes or viewing angles by pressing a button F10 to alternate from the "cockpit view" to the "Arcade Telephoto view", then to the "Arcade Wide view", and finally back to the "cockpit view". Furthermore, the NASCAR video game manual by Papyrus Design Group discloses, on page 23 in the paragraph subheading "The Instant Replay", that each race car can have onboard cameras equipped along with other television cameras outside the car, and also replays can be seen from any car upon demand so that when there are 40 cars on the track, then one can have over three-hundred replay angles to choose from for viewing. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Matthews and the NASCAR video game manual by Papyrus Design Group for permitting the display of multiple angles and views into the broadcasting of the live NASCAR racing event so as to provide the viewer with as many exciting, thrilling, jaw-dropping, mindblowing, incredible, realistic views of the NASCAR racing event to experience.

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Doing so would totally pique the viewer's attention and give the NASCAR ambience and feel to the viewer's home.

On line 11 of page 8 to line 2 on page 9, in response to applicant's argument that Papyrus is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Further, both Matthews and Papyrus are considered analogous art because both teachings involve manipulating viewing and producing perspectives of the participants in the sporting event, NASCAR. It would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene. And also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Matthews and the NASCAR video game manual by Papyrus Design Group for permitting the display of multiple angles and views into the broadcasting of the live NASCAR racing event so as to provide the viewer with as many exciting, thrilling, jaw-dropping, mindblowing, incredible, realistic views of the NASCAR racing event to experience.

Regarding lines 1-2 of page 9 of applicant's remarks, applicant asserts that one would not look at the video game manual to solve any problem. The examiner respectfully disagrees. What Papyrus has shown already is not based on fantasy, but

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the teachings of the NASCAR game as presented by Papyrus is based on the real world applications and Papyrus does teach that it is obvious to one of ordinary skill in the art to provide multiple perspectives or camera angles or views of the NASCAR event for producing the display of multiple angles and views into the broadcasting of the live NASCAR racing event so as to provide the viewer with as many exciting, thrilling, jaw-dropping, mindblowing, incredible, realistic views of the NASCAR racing event to experience.

Regarding lines 10-12 on page 9 of applicant's remarks, applicant states that there is no motivation for modifying Matthews and fails to set forth a *prima facie* case of obviousness. The examiner respectfully disagrees. It would have been obvious to one of ordinary skill in the art to use the Internet for conveniently viewing video information on a computer when one does not have a television available. So, the motivation is convenience of viewing the images by conveniently <u>transmitting</u> the image data by Internet for viewers to see the feed from a computer terminal or any other form of Internet viewing (Internet TV). Thus, the rejection of claim 4 is proper.

Regarding lines 20-22 on page 9 of applicant's remarks, applicant contends that Matthews does not teach generating a camera feed for all participants. The examiner respectfully disagrees. Matthews' fig.2, the cameras 42-48 obtain images from various locations, where each location must have a connection or a camera feed to obtain images from these various locations (ie. 1st base, 3rd base, etc.). These images obtained from various locations can be seen in Matthews' element 22 of fig.1. Also, in col.3, lines 38-42, Matthews discloses that the disclosure of capturing multiple images

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with multiple cameras around a baseball field or any sporting event to provide multiple, varied views. Further, col.6, lines 25-29, the multiple varied viewpoints can be manipulated and combined to provide multiple views to a user as desired by the user's preferred settings. Thus, the broad limitations of claims 5, 6, 10 and 12 are met.

Regarding lines 11-12 on page 11 of applicant's remarks about claim 2, applicant states Vancelette fails to provide audio feed. The examiner respectfully disagrees.

Vancelette teaches that the viewer can listen to an audio feed of the sporting event's participants (col.5, lines 42-47). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Matthews and Vancelette for allowing the viewer to experience the participant's perspective and provide a sense of realism.

Regarding lines 21-22 on page 11 of applicant's remarks, applicant states that Vancelette's "marketing scheme" has nothing to do with interspersing advertising into a broadcast. The examiner respectfully disagrees. The citation on col.7, lines 58-67 is very relevant to the interspersing advertising into a broadcast because it is clear that the term "marketing" implies the advertising of products into a broadcast, and that tiered marketing and rating schemes are used by obtaining the users demographic information to target to specific groups or users in order to properly market the advertisements to a potential specific group of consumers. Also, the tiered marketing scheme involves gauging and tracking viewing interest.

Regarding lines 16-18 on page 12 of applicant's remarks, applicant asserts that Vancelette has nothing to do with gauging and tracking viewer interest. The examiner

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respectfully disagrees. Again, Vancelette teaches, in col.7, lines 58-67, that tiered marketing and rating schemes are used by obtaining the users demographic information to target to specific groups or users in order to properly market the advertisements to a potential specific group of consumers. The tiered marketing scheme involves gauging and tracking viewing interest in order to properly market products and advertisements to a potential specific group of consumers.

Regarding lines 19-20 on page 12, applicant states that there is no motivation to combine the teachings of Matthews and Vancelette. The examiner respectfully disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to combine the teachings Matthews and Vancelette for obtaining a full and complete report on what the viewers like and dislike on television.

Regarding lines 2-4 on page 13 of applicant's remarks, applicant contends that Vancelette fails to teach to generate a feed for a select group of participants which is determined by the number of viewer requests. The examiner respectfully disagrees. The citation on col.7, lines 58-67 is very relevant to the interspersing advertising into a

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broadcast because it is clear that the term "tiered marketing" implies the advertising of products into a broadcast, and that by obtaining the users demographic information to target to specific groups or users in order to properly market the advertisements to a potential specific group of consumers, where consumer interests and user profiles are gauged and tracked based on the viewers' interests. And if these viewers are interested in certain advertisements or programs, then demographic data obtained from the viewers' interests can be used to request a certain program, segment or camera feed that is most likely to interest this group, say the majority of viewers want to see Tony Stewart instead of some lesser known or successful driver. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Matthews and Vancelette for obtaining a full and complete report on what the viewers like and dislike on television.

Regarding lines 7-8 on page 13 of applicant's remarks, the applicant states that the examiner uses "Official Notice" as using a ratings scheme to track viewers likes and dislikes in the rejection in paper no.24 on Office Action mailed 11/6/03. After perusal of the previous Office Action, paper no.24, the examiner does not see where this "Official Notice" was used by the examiner. Clearly, the applicant is mistaken because the examiner has never cited Official Notice in the Office Action mailed on 11/6/03. However, if the applicant still believes that using a ratings scheme to track viewers' likes and dislikes is novel, then the applicant should carefully peruse Coffey (US 5,675,510), col.1, ln.24-33. Coffey is only one of many references that teach the use of using

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ratings to track users' likes and dislikes. Clearly, the use of ratings scheme to track users' likes and dislikes is not novel and notoriously well known in the art.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-6, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368) in view of Papyrus Design Group of the NASCAR video game manual.

Regarding claim 1, Matthews discloses a method for distributing video images of a racing event comprising the steps of providing each of a plurality of participants in said event with a video camera (see fig.2; note cameras 42-48 captures images from seven different locations on a baseball field, a sporting event, like camera 42 captures images from the center field position and camera 48 captures images from third base, etc.), providing each of said cameras with a respective transmitter (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information) for transmitting information regarding video images generated by the camera, providing retransmission

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equipment (see fig.4 and col.5, lines 36-46; note set-top box 24 is the retransmission equipment for receiving the video information and directing the information to the remote viewers' locations, to the television 20 in fig.1) for receiving information transmitted by the transmitter and directing information regarding video images from each of the plurality of cameras to respective channels for remote viewing at viewers' locations, providing channel selectors (col.5, lines 33-35; note element 74 is a channel selector) that permit viewers to select from among the channels, simultaneously operating said cameras during the entertainment event so as to generate a plurality of camera feeds during the event (see fig.2), each feed reflecting a perspective of a respective participant (see fig.2; note each camera from 42-48 reflect a different view of each different respective camera position), transmitting the plurality of feeds to the retransmitting equipment (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information), and retransmitting the feeds to said channels, such that a viewer is allowed to select from a plurality of said channels (col.5, lines 33-35; note element 74 is a channel selector) to thus enable viewing of the sporting event through the perspective of one or more participants of greatest interest to the particular viewer.

Although Matthews may not appear to disclose the teaching of seeing perspectives of all participants at all angles, Matthews suggests that the event can be

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seen in numerous views from all participants. Also, the system disclosed by the applicant is reminiscent from the real NASCAR scene, NASCAR 95 (ie. video game), and helmet cameras installed on race cars, Arena Football League players dating back to 1990. Therefore, it would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene.

Although Matthews does not specifically disclose the limitation of seeing perspectives of all participants at all angles for a NASCAR or racing event, however, the NASCAR video game manual by Papyrus Design Group teaches, on page 23 in the paragraph subheading "Arcade Driving", that the stock car driver can switch viewing modes or viewing angles by pressing a button F10 to alternate from the "cockpit view" to the "Arcade Telephoto view", then to the "Arcade Wide view", and finally back to the "cockpit view". Furthermore, the NASCAR video game manual by Papyrus Design Group discloses, on page 23 in the paragraph subheading "The Instant Replay", that each race car can have onboard cameras equipped along with other television cameras outside the car, and also replays can be seen from any car upon demand so that when there are 40 cars on the track, then one can have over three-hundred replay angles to choose from for viewing. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Matthews and the NASCAR video game manual by Papyrus Design Group for permitting the display of multiple angles and views into the broadcasting of the live NASCAR racing

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event so as to provide the viewer with as many exciting, thrilling, jaw-dropping, mindblowing, incredible, realistic views of the NASCAR racing event to experience.

Doing so would totally pique the viewer's attention and give the NASCAR ambience and feel to the viewer's home.

Note claim 14 has similar corresponding elements.

As for claim 5, 6, 10 and 12, Matthews discloses that the camera feed is generated for all participants (see fig.2; note cameras 42-48 obtain images from various locations) and that the images selected by the viewer can be viewed on a display monitor screen (fig.1, 22).

Regarding claim 4, although Matthews may not appear to mention the transmission of video information by way of the Internet, it would have been obvious to one of ordinary skill in the art to use the Internet for conveniently viewing video information on a computer when one does not have a television available.

Regarding claim 13, although Matthews may not appear to mention that the interactive television system can be used in a race car competition, Matthews suggests that the interactive television system can be used for numerous sporting events, Matthews decides to use baseball as an example of how the his interactive television system can be implemented. Therefore, one of ordinary skill in the art would obviously take Matthew's teaching of interactive television system and manipulate it into a race car competition scene for providing an amazing and thrilling experience for race car audiences.

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Claims 2, 3, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368) and Papyrus Design Group of the NASCAR video game manual and in view of Vancelette (5,894,320).

As for claim 2, Matthews does not mention the use of audio information that accompanies the video information, however Vancelette teaches that the viewer can listen to an audio feed of the sporting event's participants (col.5, lines 42-47).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Matthews and Vancelette for allowing the viewer to experience the participant's perspective and provide a sense of realism.

Regarding claim 3, Matthews discloses a cable system (see fig.4) is used, but Matthews does not appear to mention transmitting video information by way of pay-per-view television system, however Vancelette teaches the use of pay-per-view (col.7, lines 63-65). It would have been obvious to one of ordinary skill in the art to use pay-per-view television system for providing the viewer a plurality of viewing options for viewers' convenience. Also, it is obvious and inherent that all cable companies have pay-per-view services for viewers' viewing pleasure and accessibility.

As for claims 7 and 8, Matthews does not appear to mention having advertisements in his interactive television system, however, Vancelette teaches the use of advertisements (col.7, lines 58-67; note the term "marketing scheme" implies advertisements). Therefore, it would have been obvious to one of ordinary skill in the art to use advertisements for providing the viewing audience a glimpse or preview of

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upcoming events on television so that the viewer can plan ahead on what events to watch.

Regarding claims 9 and 11, Matthews may not appear to disclose the use of gathering viewer's requests for which camera feed of the sporting event is most common, however, Vancelette teaches the use of a rating scheme for gathering statistics on what most people watch and which camera feed is the most common (col.7, lines 65-67), and essentially gathering ratings is equivalent to gathering viewer's requests. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Matthews and Vancelette for obtaining a full and complete report on what the viewers like and dislike on television.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allen Wong Examiner Art Unit 2613

AW 4/14/04

CHRIS KELLEY

DEPUTED TO THE EXAMINER

120, HOULDER CENTER 20